

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25826 of 2015

Arising Out of PS.Case No. -411 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Bimal Kumar son of Late Khubalal Sao

.... Petitioner/s

Versus

1. The State of Bihar.
2. Renu Devi D/o Lal Babu Sao r/o Amhara, P.S. Bihta, Distt. Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate

For the Opposite Party/s : Mr. Nagendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-07-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 323 of the Indian Penal Code.

The basic accusation is of torture.

The marriage between the petitioner and the complainant and birth of a female child are admitted facts.

Learned counsel for the petitioner submits that the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 6 of the petition which reads as follows:-

"6. .that the petitioner is husband of the complainant and the petitioner is ready to keep her..".

Learned counsel for the complainant submits that the complainant accepts the offer of the petitioner but she is apprehensive about the fact that the petitioner has probably performed second marriage.

Counsel for the petitioner denies the accusation of performing second marriage though statement to that effect has not been made in the petition since the cognizance was not taken under section 494 of the Indian Penal Code.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Danapur in connection with Complaint Case No.411 C of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides shall appear before the learned court below on 10th August 2015 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

The provisional bail of the petitioner will not be confirmed if substantive proof comes that petitioner has performed second marriage and in that circumstance, the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Ashwini/-

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